

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**24 HOUR FITNESS USA, INC.,** )  
**a California corporation,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**BALLY TOTAL FITNESS HOLDING** )  
**CORP., a Delaware corporation,** )  
**and MICHAEL SHEEHAN, an** )  
**individual,** )  
 )  
**Defendants.** )

**Civil Action No. 08 CV 3853**

**Judge Joan Humphrey Lefkow  
Magistrate Judge Morton Denlow**

**NOTICE OF MOTION**

**To: R. Mark Halligan, LOVELLS LLP, 330 N. Wabash Avenue, Suite 1900, Chicago, IL  
60611**

PLEASE TAKE NOTICE that on July 24, 2008 at 9:30 a.m., we will appear before the  
Honorable Joan Humphrey Lefkow in Room 1925, 219 S. Dearborn, Chicago, Illinois, and then

and there present the Motion of Defendants, Michael Sheehan and Bally Total Fitness Holding Corporation, To Dismiss The First Amended Complaint Of 24 Hour Fitness USA, Inc. For Lack Of Subject Matter Jurisdiction.

Dated: July 23, 2008

Respectfully submitted,

MICHAEL SHEEHAN and BALLY TOTAL  
FITNESS HOLDING CORPORATION

By: /s/

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Attorneys for Defendants  
MICHAEL SHEEHAN  
and BALLY TOTAL FITNESS  
HOLDING CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Defendants Michael Sheehan and Bally Total Fitness Holding Corporation, hereby certifies that he has caused a true and correct copy of the foregoing NOTICE OF MOTION to be served via the Court's ECF filing system, this 23rd day of July, 2008, addressed to:

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\_\_\_\_\_/s/Kimball R. Anderson\_\_\_\_\_

LA: